

objections are traversed and reconsideration is hereby respectfully requested.

2. The disclosure was objected to under 37 C.F.R. § 1.73 for not providing a Summary of the Invention. In addition, the Examiner requires that the applicant include a summary in the instant application.

The applicants maintain that a Summary of the Invention is neither statutorily required by Title 35 of the United States Code nor administratively required by Title 37 of the Code of Federal Regulations. Under 35 U.S.C. §§ 111 and 112, the application must contain a specification, a drawing, an oath, and the required fee. The specification must include a written description of the invention setting forth the applicant's best mode for carrying out the invention and must conclude with at least one claim. However, neither 35 U.S.C. § 111 nor 35 U.S.C. § 112 require a summary of the invention.

Under 37 C.F.R. § 1.73, which language was clearly set forth by the Examiner on page 2 of the Final Office Action, a summary of the invention "should" precede the detailed description. Thus, 37 C.F.R. § 1.73 merely suggests that the applicant include a summary of the invention, but does not require the applicant to include a summary of the invention. On the other hand, when the applicant is required to provide particular subject matter in the application, the Code of Federal Regulations clearly states that such subject matter "must" or "shall" be included. See, e.g., 37 C.F.R. § 1.71 ("specification must include a written description"); 37 C.F.R. § 1.74 ("there shall be a brief description of the several views of the drawings"); 37 C.F.R. § 1.75 ("specification must conclude with a claim"). Accordingly, since a summary of the invention is required neither by the statute nor by the regulations, the applicants submit that the Examiner's "requirement" for a summary of the invention is ungrounded. Furthermore, the applicants

submit that several U.S. Patents have been issued in the form of the present application (i.e., without a summary of the invention). See, e.g., U.S. Patent Nos. 5,410,113; 5,406,629; 5,396,656; 5,402,491; 5,388,212; 5,379,343; 5,379,039; 5,369,501; 5,365,525; 5,357,571. Therefore, the applicants submit that the present application is in proper condition for allowance.

3. Claims 21, 23, and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Williams. The applicants have herein canceled claim 23 and have amended claim 21 to more clearly distinguish claim 21 over the teachings of Williams. In particular, the applicants have added the limitations that the transmissions to and from the host computer occur over wireless communication channels and that the host computer receives network information from the plurality of users on a periodic basis. The Examiner has conceded that "Williams does not detail 'wireless communication channels'." [See Final Office Action, ¶ 33.] The applicants will discuss the application of Jain to amended claim 21 in response to the rejection of claims 11 and 22 (see item 5 below).

In addition, the applicants submit that Williams does not teach or otherwise suggest the step of "receiving network information from the plurality of users on a periodic basis". Williams teaches, in column 4, line 6 to column 5, lines 9, that a server receives a confirmation delivery message from a computer that received an electronic mail message only when the sending computer requests confirmation of delivery. Consequently, Williams does not teach or suggest receiving the confirmation delivery message "on a periodic basis" without any request for the message. Therefore, the applicants submit that claim 21, as amended, and claim 24, which is dependent upon claim 21, are not anticipated by Williams, and accordingly request that claims 21 and 24 may be passed to allowance.

4. Claims 1-3, 5, 6, 8, 11-13, 15-17, and 21-24 were rejected under 35 U.S.C. § 103 as being unpatentable over Doelz in view of Irby, III et al. and Jain. In particular, the Examiner basically asserts that Doelz teaches everything as claimed except for the steps of determining at least one computer network or computer to receive specific user information and transmitting via wireless communication channels. The Examiner then avers that Irby, III et al. teaches the step of determining and Jain teaches the use of wireless communication channels. The Examiner ultimately contends that it would have been obvious to one of ordinary skill to combine the teachings of Doelz, Irby, III et al., and Jain to obtain the present invention.

The applicants have herein canceled claims 5, 8, 15, 16, 22, and 23. In addition, the applicants have amended independent claims 1, 11, and 21 to more clearly distinguish the present invention over the teachings and suggestions of the prior art. In particular, the applicants have amended said claims to include the limitation that each server (claim 1), each computer (claim 11), and each user (claim 21) transmit network information to the host on a periodic basis via at least a first communication channel, and the host transmits user information to a plurality of servers (claim 1), computers (claim 11), or users (claim 21) via a second communication channel, wherein the network information is distinct from the user information. The applicants submit that neither Doelz, nor Irby III, et al., nor Jain, either individually or in combination, provide such teachings or suggestions.

The Examiner has conceded that Doelz and Irby, III et al. do not teach or suggest providing information between a host computer and a user (e.g., server or computer) via wireless communication channels. [See Final Office Action, ¶ 40.] The Examiner asserts that Jain teaches the use of wireless communication channels. However, Jain teaches the use of a point-to-point (satellite) link between one router and another.

Jain does not teach or suggest transmitting information from one router to a plurality of other routers via a single wireless communication channel. By contrast, the present invention claims the step of transmitting user information (e.g., software upgrades or bug reports) to a plurality of users (e.g., servers or computers) via a wireless communication channel. That is, claims 1, 11, and 21, as amended, now claim the simultaneous transmission of user information over a one-to-many wireless channel (i.e., the second wireless communication channel). Therefore, since Jain does not teach or suggest transmitting to multiple routers over a single communication channel, the combination of Doelz, Irby, III et al., and Jain do not teach or suggest transmitting user information from a host computer to a plurality of users via a wireless communication channel.

Furthermore, neither of the three references teach or suggest transmitting network information from the plurality of users to the host computer on a periodic basis. Transmissions from users to the hosts in Doelz, Irby, III et al., and Jain occur either in response to a request from the host (Doelz) or randomly (packet transmissions in Jain and subscriber requests in Irby, III et al.). Therefore, none of the cited references teach or suggest periodic transmissions from the users to the host to effectively allow the host to continuously receive network information (e.g., statistical or configuration information) from the users. Therefore, since none of the references individually teach or suggest transmissions of network information from a plurality of users to a host on a periodic basis, the combination of the three references also does not provide such a teaching or suggestion.

Therefore, for the above reasons, the applicants submit that independent claims 1, 11, and 21, as amended, are not obvious in view of the combined teachings of Doelz, Irby, III et al., and Jain.

Accordingly, the applicants respectfully request that claims 1, 11, and 21, as amended, may be passed to allowance.

Claims 2-4, 6, 7, 12-14, 17, 18, and 24 depend upon one of either claims 1, 11, or 21, which claims have been shown allowable above. Therefore, since claims 2-4, 6, 7, 12-14, 17, 18, and 24 introduce additional subject matter that, particularly when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, the applicants respectfully submit that claims 2-4, 6, 7, 12-14, 17, 18, and 24 are in proper condition for allowance.

5. Claims 11 and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over Williams in view of Jain. In particular, the Examiner states that Williams teaches the invention substantially as claimed except that Williams "does not detail 'wireless communication channels'." The Examiner then relies on Jain to teach the use of wireless communication channels. The Examiner ultimately contends that it would have been obvious to one of ordinary skill to combine the teachings of Williams and Jain to obtain the present invention.

With regard to claim 22, the applicants have herein canceled claim 22. With regard to claim 11 (and also claim 21), the applicants submit that the reasons set forth in item 4 above distinguishing the point-to-point wireless communication channel of Jain over the one-to-many communication channel of the present invention are equally applicable to distinguishing Williams and Jain over the recitations of claims 11 and 21, because, similar to the above rejections of claims 1-3, 5, 6, 8, 11-13, 15-17, and 21-24, the Examiner relies on one or more references (in this case Williams) to teach everything but the wireless communication channels and relies on Jain to teach the wireless communication channels. Therefore, since for the above reasons Jain does not teach or suggest transmitting user information from a host

computer to a plurality of users via a wireless communication channel and since, upon the Examiner's own admission, Williams does not teach wireless communication channels, the applicants submit that the combination of Williams and Jain also lack a teaching of transmitting user information from a host computer to a plurality of users via a wireless communication channel. Accordingly, the applicants submit that claims 11 and 21, as amended, are not obvious in view of the teachings and suggestions of Williams in combination with Jain, and, therefore, respectfully request that claims 11 and 21 may now be passed to allowance.

6. Claims 4 and 14 were rejected under 35 U.S.C. § 103 as being unpatentable over Doelz in view of Irby, III et al. and Jain, and further in view of Ellison et al. The applicants submit that the arguments provided above in item 4 are equally applicable to distinguishing claims 4 and 14 over the cited prior art since claims 4 and 14 depend from claims 1 and 11, respectively, which claims have been shown allowable above. Therefore, since claims 4 and 11 introduce additional subject matter that, particularly when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, the applicants respectfully submit that claims 4 and 11 are in proper condition for allowance.

7. Claims 7 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Doelz in view of Irby, III et al. and Jain, and further in view of Ogaki et al. The applicants submit that the arguments provided above in item 4 are equally applicable to distinguishing claims 7 and 18 over the cited prior art since claims 7 and 18 depend from claims 1 and 11, respectively, which claims have been shown allowable above. Therefore, since claims 7 and 18 introduce additional subject matter that, particularly when considered in the context of the recitations of their respective base claims, constitutes patentable subject


matter, the applicants respectfully submit that claims 7 and 18 are in proper condition for allowance.

8. The present amendment was not earlier presented because the applicants did not fully appreciate the Examiner's position with respect to the cited prior art. In addition, the amendments to the claims contained herein do not raise new issues or require a new search because the amendments simply (1) introduce dependent claim limitations into independent claims, (2) clarify slightly ambiguous claim language (e.g., steps (c) and (d) of claim 1), and (3) introduce claim recitations that should have reasonably been expected by the Examiner under M.P.E.P. § 904.01(d), particularly in view of the applicants amendment filed 1/30/95 and the Examiner's repetitive statements in the Final Office Action that the applicants argued limitations were not specifically recited in the claims (See Final Office Action ¶¶ 20 (b)-(d); 21; 26).

9. The Examiner is invited to contact the undersigned by telephone or facsimile, if the Examiner believes that such a communication would advance the prosecution of this application.

Respectfully submitted,

Gary W. Grube et al.

By: 
Daniel C. Crilly
Agent For Applicants
Registration No. 38,417
Phone: (708) 576-6939
Fax: (708) 576-3750